

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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BARBARA ANN HARTKE, an individual	:	
on her own behalf and on behalf of the Estate	:	
of decedent Gilbert V. Hartke,	:	
	:	Civil Action No.: 22-cv-03571 (PGG)
Plaintiff,	:	
	:	
v.	:	<b>DECLARATION OF THOMAS W.</b>
	:	<b>REPCZYNSKI</b>
BONHAMS & BUTTERFIELDS	:	
AUCTIONEERS CORPORATION, A	:	
DELAWARE CORPORATION; THE	:	
CATHOLIC UNIVERSITY OF AMERICA,	:	
A NON-PROFIT DISTRICT OF	:	
COLUMBIA CORPORATION,	:	
	:	
Defendants.	:	

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I, Thomas W. Repczynski, hereby represent as follows:

1. I am licensed to practice law in the state courts of Virginia, Maryland, and the District of Columbia.
2. I am admitted to practice in the federal district courts and bankruptcy courts in each of the foregoing jurisdictions as well as the United States Court of Appeals for the Fourth Circuit and the United States Supreme Court.
3. I have been actively practicing law and in good standing since being first admitted to the Virginia State Bar in 1996.
4. I currently serve as counsel for Catholic University of America for which I have been retained and entered my appearance as lead counsel in the matter of In Re: Hartke, Gilbert V., Case no. 1986-ADM-001663 (“Hartke Probate Case”) in the D.C. Superior Court, Probate Division (“D.C. Probate Court”).
5. In response to a file-stamped copy of a Petition to Reopen, produced in conjunction with the above-styled case proceedings and represented to have been filed with the D.C. Probate Court by Attorney Anthony Scordo, Esq., in his capacity as Counsel for Barbara Hartke, I undertook and oversaw on behalf of Catholic University the filing on September 23, 2022,

of a Motion to Intervene and Opposition to Petition to Reopen Probate (“Opposition”), a true and complete copy of which is attached hereto as **Exhibit A**.

6. On December 7, 2022, a copy of the court’s “Order Denying as Moot Motion to Intervene and Opposition to Petition to Reopen Probate” dated November 16, 2022, was forwarded via email by the Law Clerk for Associate Judge Laura A. Cordero. A true and complete copy of the Law Clerk’s email correspondence is attached hereto as **Exhibit B** and of the accompanying Order as forwarded by the Law Clerk, as **Exhibit C**.
7. The substance of the D.C. Probate Court’s Order reads *in toto* succinctly as follows:

This matter is before the Court on a Motion to Intervene and Opposition to Petition to Reopen Probate, filed by Proposed Intervenor, the Catholic University of America (“Catholic University”) on September 23, 2022. No opposition has been filed.

Catholic University filed the instant pleading requesting to intervene in this estate administration matter and in opposition to the reopening of the Estate of Gilbert V. Hartke, O.P. However, no petition to re-open these proceedings has been properly filed. According to Court staff, Barbara Hartke’s petition to reopen “was returned to counsel as the case jacket had not been received in the Probate Division” and that “no petition to reopen has been docketed.” As there is no pending petition to reopen the estate, the instant Motion is denied as moot.

Wherefore it is the 16th day of November 2022, hereby:

ORDERED that the Motion to Intervene and Opposition to Petition to Reopen Probate, filed by Proposed Intervenor is DENIED AS MOOT.

SO ORDERED.

**(Ex. C.)**

8. A reference at the bottom of the D.C. Probate Court’s Order indicated that copies were being “e-served” to Mr. Scordo and myself from which I concluded that Mr. Scordo had been made aware by the Court of my interest and involvement on behalf of Catholic University in Hartke Probate Case.
9. I note that representations are made in Ms. Hartke’s proposed Second Amended Complaint ¶¶16-18 to the effect that certain filings have been made with the D.C. Probate Court.
10. In addition to not having received any response of any kind from Mr. Scordo (or anyone on behalf of Ms. Hartke) to either Catholic University’s Opposition or the D.C. Probate Court’s Order, I have received no notice of any filings or activity of any kind in the Hartke Probate Case subsequent to receiving the Law Clerk’s email of December 7, 2022.
11. Moreover, a review of the Court’s docket for the Hartke Probate Case on January 8, 2024, a true and complete copy of which is included and incorporated here as **Exhibit D**, confirms

that no further filings or activity of any kind have been docketed in the D.C. Probate Court matter and that the only reason the D.C. Probate Court even has a copy of the Petition to Reopen as of January 8, 2024, is because a copy was provided to the Court as an attachment to Catholic University's Opposition filed in September of 2022.

12. Without an opportunity to review complete file-stamped copies of the exhibits to which Ms. Hartke makes reference in her proposed Second Amended Complaint (*see, e.g.*, SAC Exs. B and C which appear to be unfiled copies with numerous blank and improperly scanned incomplete pages), it is impossible for me to confirm the accuracy or respond substantively to the representations made except to say that the Court's official docket records do not support the representations at this time.
13. Moreover, as counsel of record having entered an appearance in the proceedings, I would be entitled to receive and, under the applicable Rules of Court, the D.C. Probate Court and counsel for Ms. Hartke would be obligated to provide me with service copies of filings in the case. I believe it is reasonable to draw the inference that no such filings have been made since to conclude otherwise would necessarily imply that both the D.C. Probate Court and counsel for Ms. Hartke have failed to meet their obligations in this regard (in addition to failing to update the official case docket in nearly six weeks).

Dated: January 10, 2024



Thomas W. Repczynski